

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARY FARRIER,	:	Case No. 1:18-cv-539
	:	
Appellant,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
GEORGE LEICHT,	:	
	:	
Appellee.	:	

ORDER OF DISMISSAL

This Order of Dismissal arises in the context of a bankruptcy appeal. Appellant is the Debtor and Appellee is the Trustee in the underlying bankruptcy case. (Doc. 2-2).

On July 15, 2019, the Court ordered Appellant to show cause why this bankruptcy appeal should not be dismissed for lack of prosecution. (Doc. 3). On August 2, 2019, Appellant filed a reply stating that she had not filed—or, at least, had not intended to file—this bankruptcy appeal in this first place.^{1,2} (Doc. 6).

Based upon the foregoing, and absent any objection from Appellant, the Court **DISMISSES** this bankruptcy appeal for lack of prosecution. *See* Fed. R. Bankr. P. 8003(a)(2) (stating that “[a]n appellant’s failure to take any step other than the timely filing of a notice of appeal” is ground for the district court “to act as it considers

¹ More specifically, Appellant’s reply states as follows: “I never filed an Appeal in [the] United States District Court. I never paid a filing fee.” (Doc. 6 at 1).

² Indeed, it appears that Appellant has decided to pursue her concerns, relating to the underlying bankruptcy case, in a separate civil action: *Farrier v. Leicht, et al.*, No. 1:19-cv-588 (S.D. Ohio).

appropriate, including dismissing the [bankruptcy] appeal”); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (stating that district courts have the inherent power to dismiss cases for lack of prosecution); *Barclay v. U.S. Tr., Hackett*, 106 F. App’x 293, 293 (6th Cir. 2004) (affirming the dismissal of a bankruptcy appeal where, as here, the appellant was indifferent to its timely prosecution).

The Clerk shall enter judgment accordingly, whereupon this bankruptcy appeal is **TERMINATED** from the docket of this Court. The Clerk shall serve a copy of this Order on Appellant via certified mail, at the following mailing address: P.O. Box 19361, Cincinnati, Ohio 45219.

IT IS SO ORDERED.

Date: 10/17/2019

s/Timothy S. Black
Timothy S. Black
United States District Judge